

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS  
FISCAL IMPACT STATEMENT**

**LS 6045**  
**BILL NUMBER:** HB 1014

**NOTE PREPARED:** Mar 24, 2025  
**BILL AMENDED:** Mar 18, 2025

**SUBJECT:** Consecutive Terms of Imprisonment for Misdemeanors.

**FIRST AUTHOR:** Rep. Zimmerman  
**FIRST SPONSOR:** Sen. Glick

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill limits the total of the consecutive terms of imprisonment to which a defendant is sentenced for misdemeanor convictions arising out of an episode of criminal conduct.

It also adds domestic battery, invasion of privacy, and resisting law enforcement to the definition of "crime of violence."

**Effective Date:** July 1, 2025.

**Explanation of State Expenditures:** *Crime of Violence:* The bill adds (1) domestic battery as a Level 6 felony and Class A misdemeanor, (2) invasion of privacy as a Level 6 felony and Class A misdemeanor, and (3) resisting law enforcement as a Class A misdemeanor to the definition of "crime of violence" under IC 35-50-1-2. As a result, the bill will affect persons licensed by the Professional Licensing Agency and the Department of Homeland Security, and confined in the Department of Correction (DOC). However, any increase in DOC offender population would likely be minor.

The average number of persons who might be added to the "crime of violence" category per year and confined in DOC or supervised in the community are shown in the following table.

Offense:	Average Convictions Per Yr. (FY 2020 - 2024)	Percent in Confinement (DOC or County Jail)
Domestic Battery (Level 6)	1,583	9% in prison; 52% in jail
Invasion of Privacy (Level 6)	359	17% in prison; 45% in jail
Domestic Battery (Class A Misdemeanor)*	849	48%
Invasion of Privacy (Class A Misdemeanor)*	1,176	52%
Resisting Law Enforcement (Class A Misdemeanor)*	1,392	59%
<b>Total:</b>	<b>5,359</b>	
* For this analysis, a person can be confined in county jail or supervised on probation, community corrections, or both.		

*Occupational Licenses:* Persons who are convicted and sentenced for a crime of violence are ineligible for certain occupational licenses. Both the Professional Licensing Agency and the Department of Homeland Security will be required to screen applicants to determine whether they have committed domestic battery, invasion of privacy, or resisting law enforcement before being granted certain occupational licenses. The Professional Licensing Agency should be able to implement this requirement with existing resources, assuming near customary agency staffing and resource levels.

*Consecutive Term Caps:* Under current law, if the crimes were not crimes of violence, then current law caps the consecutive terms of sentences, which these persons may need to serve when more than one crime was committed in a single episode. As proposed, persons who are convicted of more than one crime that includes domestic battery, invasion of privacy, and resisting law enforcement in a single episode could be given longer consecutive sentences. As a result, this provision could increase DOC's future offender population. [Almost 141 offenders are committed on average to DOC for these offenses each year.]

*Community Investigation Reports:* Parole agents employed by DOC are required to prepare a community investigation report about the person if the person is 1) sentenced for a crime of violence, 2) committed to DOC and 3) is to be supervised on parole (IC 11-13-3-3). Adding new offenders who are sentenced for these offenses will increase the number of community investigation reports that need to be prepared before being released on parole.

A "community investigation" reports on the attitudes and opinions of: (1) the community in which the crime occurred; (2) law enforcement officers who have jurisdiction in the community in which the crime occurred; (3) the victim of the crime or the victims's relatives or friends; (4) friends of the offender (IC 11-13-3-3 (m)).

**Explanation of State Revenues:** There would be no change in state revenue because criminal fines and court fees are the same for all felonies and misdemeanors. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

**Explanation of Local Expenditures:** The bill could potentially reduce the population that is confined in county jails post sentencing. Any reduction in jail population will likely be small. A person who is convicted and sentenced for a misdemeanor is more likely to be confined for less time or their sentence is suspended and placed on community supervision (either probation, community corrections, or both) at sentencing.

The total of the consecutive terms imprisonment for misdemeanor convictions would be changed to the following.

<b>Caps on Consecutive Sentences by Most Serious of Misdemeanors</b>			
<b>Offense Type:</b>	<b>Misdemeanor C</b>	<b>Misdemeanor B</b>	<b>Misdemeanor A</b>
Current Cap	0 days - 60 days per offense	0 days - 180 days per offense	0 days - 1 year per offense
Proposed Cap	1 year maximum for all offenses	2 years maximum for all offenses	3 years maximum for all offenses

Under current law, persons who are convicted of more than one misdemeanor in an episode of criminal conduct could be given longer consecutive sentences. An "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, or circumstances. As proposed, if the most serious offense is a misdemeanor, then the bill limits the total of consecutive terms of imprisonment for a person convicted of a misdemeanor arising out of an episode of criminal conduct.

**Additional Information** - The following table shows the number of persons convicted, average sentences in days, and the percentage of persons confined and/or supervised between FY 2019 and FY 2024 for misdemeanors. OFMA cannot determine how many of these sentences are being served consecutively or concurrently for a single episode of criminal conduct.

	Average Convictions Per Year	Average Sentence in Days	% of Persons Confined and/or Supervised*
Misdemeanor A	15,503	323	60.2%
Misdemeanor B	5,471	162	53.2%
Misdemeanor C	5,796	72	51.2%
* For this analysis, a person can be confined in county jail or supervised on probation, community corrections, or both.			

Between FY 2019 and FY 2024, OFMA found on average about 60% of Class A misdemeanors were likely to be confined in county jail and/or supervised in the community, while persons convicted of a Class B or Class C misdemeanor were more likely to have their sentences suspended and supervised in the community.

[The average cost per day to incarcerate a prisoner is approximately \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021.]

The following table shows the most convicted misdemeanor offenses likely to be affected. [This is not an exhaustive list.]

Offense:	Misdemeanor A	Misdemeanor B	Misdemeanor C
7.1-5-1-3 Public Intoxication		X	X
9-21-8-52 Reckless Driving	X	X	X
9-24-18-1 Operating a Motor Vehicle Without a License	X		X
9-24-19-2 Driving While Suspended	X		
9-26-1-1.1 Leaving the Scene of an Accident	X	X	
9-30-5-2 Operating a Vehicle While Intoxicated	X		X
9-30-5-1 Operating a Vehicle w/ Alc. Eq. .08 or More	X		X
35-42-2-1 Battery		X	
35-42-2-1.3 Domestic Battery	X	X	
35-43-1-2 Criminal Mischief	X	X	
35-43-2-2 Criminal Trespass	X	X	
35-43-4-2; 2.7 Theft	X	X	
35-43-4-3 Conversion	X		
35-45-1-3 Disorderly Conduct	X	X	
35-47-2-1 Carrying a Handgun Without a License	X		
35-48-4-7 Possession of a Controlled Substance	X		
35-48-4-8.3 Possession of Paraphernalia	X	X	X
35-48-4-11 Possession of Marijuana	X	X	

*Crime of Violence:* Trial courts should be able to be implement this new requirement with no additional resources, assuming near customary agency staffing and resource levels.

**Explanation of Local Revenues:** There would be no change in revenues because court fees are the same for all felonies and misdemeanors. The following linked document describes the fees and distribution of the

revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts; local law enforcement agencies; community corrections; probation departments; county sheriffs.

**Information Sources:** Indiana Supreme Court, Abstracts of Judgment.

**Fiscal Analyst:** Corrin Harvey, 317-234-9438.

**Existing Crimes Classified as “Crimes of Violence”**

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony.
(7) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony.
(8) Aggravated battery (IC 35-42-2-1.5).
(9) Kidnapping (IC 35-42-3-2).
(10) Rape (IC 35-42-4-1).
(11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
(12) Child molesting (IC 35-42-4-3).
(13) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
(14) Robbery (IC 35-42-5-1) as a Level 2 felony or a Level 3 felony.
(15) Burglary (IC 35-43-2-1) as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony.
(16) Operating a vehicle while intoxicated causing death or catastrophic injury (IC 9-30-5-5).
(17) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
(18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
(19) Resisting law enforcement as a felony (IC 35-44.1-3-1).
(20) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).
(21) Strangulation (IC 35-42-2-9) as a Level 5 felony.